

REMARKS/ARGUMENTS

Following entry of the foregoing amendments, claims 1 and 5 to 13 will be pending in the application. Claims 1 and 12 have been amended, and claims 14 to 19 have been canceled, herein. No new claims have been added.

Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

**Alleged Lack of Enablement**

A. Claim 15 has been rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. Applicants respectfully submit that, for reasons already of record, the specification enables those skilled in the art to make and use the full scope of the subject matter defined by claim 15 without undue experimentation, and the Office Action has failed to meet its burden in establishing that the claimed subject matter is not enabled.

Nevertheless, to advance prosecution, claim 15 has been canceled, without prejudice, obviating the rejection. Accordingly, Applicants respectfully request withdrawal thereof.

B. Claims 1, 5 to 11, and 14 to 19 have been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement because the specification allegedly fails to enable Alk<sup>1</sup> in the compound of formula (1a) equaling a C<sub>1-6</sub> heteroaliphatic chain containing one, two, three, or four heteroatoms or heteroatom-containing groups. The Office Action asserts that "The applicant is claiming a scope of rings yet to be discovered or synthesized. For example, 4 heteroatoms in one ring have not been made." (Office Action dated March 12, 2002, pages 7 to 8). With due respect, Applicants are at a loss to understand the assertions made in the Office Action. Claim 1 defines Alk<sup>1</sup> as an optionally substituted heteroaliphatic *chain*

containing one, two, three or four heteroatoms or heteroatom-containing groups. Claim 1 *does not* define Alk<sup>1</sup> as a heteroaliphatic *ring*, as stated in the Office Action. Those of ordinary skill in the art understand that *a heteroaliphatic chain is not a ring*, and the Office Action's assertion that Applicants are claiming a scope of rings yet to be discovered or synthesized appears to reflect a misreading of the claim. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 1, 5 to 11, and 14 to 19 have also been rejected under 35 U.S.C. § 112, first paragraph because the specification allegedly fails to enable the treatment of all diseases or disorders involving inflammation in which the extravasation of leukocytes plays a role. Applicants respectfully submit that the specification does enable those skilled in the art to treat diseases or disorders involving inflammation in which the extravasation of leukocytes plays a role, and the Office Action has failed to provide any credible evidence or reasoning as to why the truth or accuracy of the direction provided in the specification should be doubted, as discussed in the Request for Reconsideration filed December 17, 2002. Nevertheless, to advance prosecution, claims 14 to 19 have been cancelled, without prejudice, obviating the rejection. Accordingly, Applicants respectfully request withdrawal thereof.

#### **Alleged Indefiniteness**

Claims 1, 12, and 14 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for recitation of the phrase "salts, solvates, hydrates and N-oxides thereof." The Office Action asserts that Applicants are only claiming "A compound" in each claim, while the cited phrase implies that more than one compound is being claimed. (Office Action dated March 12, 2003, page 6). Applicants respectfully submit that they are, in fact,

claiming more than one compound. Specifically, Applicants are claiming every compound that falls within the scope of the cited claims. Nevertheless, to advance prosecution, claims 1 and 12 have been amended to recite "salts, solvates, hydrates or N-oxides thereof" according to the Office Action's suggestion.<sup>1</sup> The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

#### **Information Disclosure Statement**

Applicants would like to thank the Examiner for returning various initialed 1449 Forms with the Office Action dated March 12, 2003. Applicants have not yet received an initialed copy of the 1449 Form that was originally submitted to the Patent Office in connection with a Supplemental Information Disclosure Statement filed July 6, 2000, however. The 1449 Form and copies of the eight references listed on the form (references AA-AH) were resubmitted directly to the Examiner on December 4, 2002. Enclosed is a copy of the date-stamped return postcard indicating that the Supplemental Information Disclosure Statement, 1449 Form, and the eight listed references were received by the Patent Office on July 10, 2000. Also enclosed is a copy of the return post card indicating that a second copy of the 1449 Form and listed references were received by the Examiner on December 17, 2002. Applicants respectfully ask the Examiner to return an initialed copy of the 1449 Form, confirming consideration of the listed references. A courtesy copy of the 1449 Form is enclosed for the Examiner's convenience.

Applicants received an initialed copy of the 1449 Form originally submitted to the Patent Office with a Supplemental Information Disclosure Statement filed February 7, 2000.

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<sup>1</sup> As previously discussed, claim 14 has been canceled.

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PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116

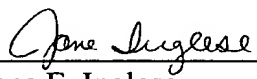
Reference AG was not initialed, however. Enclosed is a copy of the date-stamped return postcard indicating that the Supplemental Information Disclosure Statement, 1449 Form, and the seven listed references were received by the Patent Office on February 10, 2000. Also enclosed is a copy of the return post card indicating that a second copy of the 1449 Form and listed references were received by the Examiner on December 17, 2002. Applicants respectfully ask the Examiner to return an initialed copy of the 1449 Form, confirming consideration of reference AG. A courtesy copy of the 1449 Form is enclosed for the Examiner's convenience.

#### Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,

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